

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 511 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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LEGAL HEIRS OF DECD. THAKORE BABAJI GANESHJI

Versus

TRUSTEES OF LEVA PATIDAR VIDHOTEJAK SARVAJANIK TRUST

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Appearance:

MR PK JANI for Petitioners

MR VC DESAI for Respondent No. 1

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 28/09/98

ORAL JUDGEMENT

The respondent original plaintiff has filed suit No. 106 of 1991 in the court of learned Civil Judge (J.D.), Visnagar, against deceased Babaji Ganesh Thakore. The petitioner-defendant appeared and filed written statement and contended that the deceased Babaji Ganesh Thakore's father was working as a security guard. After his demise Babaji was taken as security guard. It was further stated that rent was deducted from the salary of

deceased Babaji. The defendant examined witness No. 3 one Hargovanbhai Tribhovanbhai Parmar. His statement was recorded at Exh. 143. The said witness was shown the bills of Gujarat Electricity Board from the month of July 1984 being mark 106/1 to 106/17 and mark 106/21 to 106/26 and it was prayed that the said bills of the Gujarat Electricity Board are allowed to be presented and exhibited. This was objected by the advocate for the plaintiff. The trial court by the impugned order dated 19.2.1998 rejected the application of the defendant-petitioners for exhibiting the bills of Gujarat Electricity Board which was in the name of Babaji Ganesh Thakore on the ground that the said bills are not under the signatures of the witness Hargovanbhai Tribhovanbhai Parmar.

I have heard learned counsel for the parties. In my view the learned judge has committed a material irregularity in exercising jurisdiction in not permitting to exhibit the said bills. Since the bills are public documents it is not necessary to be proved by producing the person under whose signature they have been issued.

In view of this, this Civil Revision Application is allowed and the impugned order of the learned Civil Judge (J.D.) is quashed and set aside. The prayer of the defendant for exhibiting the bills of the Gujarat Electricity Board is granted without prejudice to the rights and contentions of the plaintiff-respondents. Rule made absolute to the aforesaid extent.

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